



Metropolitan Government of Nashville and Davidson County

Rules of Procedures and Bylaws

Bicycle and Pedestrian Advisory Committee

February 2009

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KARL F. DEAN , MAYOR

EXECUTIVE ORDER NO. 034

SUBJECT: *Bicycle and Pedestrian Advisory Committee*

I, Karl Dean, Mayor of the Metropolitan Government of Nashville and Davidson County, by virtue of the power and authority vested in me, do hereby find, direct and order the following:

I. The Metropolitan Government of Nashville and Davidson County (the Metropolitan Government) has an interest in increasing the safety and use of bicycle and pedestrian travel as a significant and beneficial mode of transportation and recreation.

II. An advisory committee for the Metropolitan Government that promotes and encourages safe bicycling and walking would further Nashville's goal of becoming a bicycle and pedestrian friendly city.

III. There is hereby created and established for the Metropolitan Government a Bicycle and Pedestrian Advisory Committee.

A. Responsibility and Authority. The Bicycle and Pedestrian Advisory Committee shall serve in an advisory capacity to the Mayor and is charged with the following goals and responsibilities:

- 1) Promoting bicycling and walking as an accepted form of transportation.
- 2) Serving as a resource to the Metropolitan Government on bicycle and pedestrian plans, policies, and programs.
- 3) Assisting in updating and implementing the 2003 Strategic Plan for Sidewalks and Bikeways.
- 4) Promoting the integration of bicycling and walking in the Metropolitan Government's planning, design and development of transportation facilities.
- 5) Working with local businesses, governmental agencies, and other organizations such as Walk/Bike Nashville to encourage bicycling and walking and promote community investment in bicycle racks, signage, markings and other facilities and programs.
- 6) Working with the Metropolitan Government and Walk/Bike Nashville to foster programs to educate all age groups on safe bicycling and walking skills.
- 7) Developing and distributing informational, educational and promotional materials for bicyclists, pedestrians and motorists.
- 8) Serving as a resource to the Metropolitan Planning Organization in developing long-range plans to encourage increased bicycling and walking trips.

B. Composition: The Bicycle and Pedestrian Advisory Committee shall be composed of up to eighteen (18) members appointed by the Mayor.

- 1) Members will include people with interest and expertise in bicycle and pedestrian issues as well as representatives from neighborhood and business organizations.
- 2) The Mayor shall appoint a chair from among the members.
- 3) The Committee may elect such additional officers it finds necessary and appropriate.
- 4) A quorum for approving decisions by the Committee shall consist of a majority of the currently filled positions on the Committee.
- 5) Members of the Bicycle and Pedestrian Advisory Committee shall serve without compensation.

C. Terms and Meetings:

- 1) The regular term of a member of the Committee shall be three (3) years. However, of the initial membership of the Committee, six (6) members will serve one (1) year, six (6) members will serve two (2) years, and six (6) members will serve three (3) years so that the terms are staggered as to replace no more than one third (1/3) of the members each year. The Mayor will designate the length of the term for each initial Committee member at the time of appointment.
- 2) Members of the Committee shall continue in office until the expiration of the term for which they were appointed or until such time as they are reappointment or their successors are appointed.
- 3) A vacancy shall be filled in the same manner as a regular appointment and the person appointed shall serve the remainder of the term.
- 4) The Mayor may determine a position is vacant based upon failure to attend meetings regularly.
- 5) The Bicycle and Pedestrian Advisory Committee shall hold regular meetings not less than quarterly.
- 6) The regular meetings will be held at a date, time, and place to be determined by the Chair. Special meetings may be called by the Mayor.

D. Departmental Cooperation. Departments, boards and commissions of the Metropolitan Government shall work cooperatively with the Bicycle and Pedestrian Advisory Committee in carrying out the mandates of this Executive Order and shall provide assistance as necessary.

Ordered, Effective and Issued:

Karl F. Dean
Mayor

Date: October 23, 2008

By-Laws Introduction

The purpose of these by-laws is to establish procedures for organizing the business of the Metro Nashville Bicycle and Pedestrian Advisory Committee, hereafter referred to as the BPAC, in executing its duties and responsibilities. For procedures not covered by these rules, the BPAC shall follow the rules contained in the current edition of Robert's Rules of Order.

Membership of the Committee

1. The BPAC shall consist of a maximum (18) voting members and a maximum of (5) non-voting *ex officio* members. The Metro Council shall have at least (1) voting representative and the Departments/Commissions shall have five (5) non-voting appointments to the BPAC.

2. To be eligible for appointment and to remain a member, a candidate shall be a resident of the jurisdiction of the governing board making the appointment and shall be and remain current in payment of his/her property taxes to the City and County. A voting member of the BPAC may be removed at any time, with or without cause, by the governing board which made the appointment.

3. The eighteen (18) voting members of the BPAC shall be composed of individuals representing constituencies which have an interest and an expertise in transportation and bicycle/pedestrian issues. Members of the BPAC shall include appointments of individuals representing authorities as follows:

- Metro Council
- Parks, Trails and Greenways
- University Students/Faculty
- Transportation Planning/Policy/Design
- Recreation/Recreation Business
- Neighborhood Council/Groups
- Disabled Community
- Commissions/Metro Departments
- Schools/ Education
- Senior Advocacy
- Bicycle Club/Organization
- Health/Physical Fitness
- Business/Economic Development
- Law Enforcement/Police
- Walking/Running Club

4. In the event that the pool of applicants representative of the identified categories is insufficient to fill any one of the categories, then the Mayor may appoint individuals who have demonstrated expertise and/or experience in that category. If after filling a position in a particular category in that manner, the pool of applicants is still insufficient to fill the categories allotted to them, then the City and/or County may each fill any remaining positions with at-large citizen appointments to the BPAC.

5. Persons serving in the following positions shall serve as *ex officio* members of the BPAC:

The Director of the Metro Health Department, or his/her designee

The Director of the Metro Parks Department, or his/her designee

The Director of the Metro Public Works Department, or his/her

The Chief/Director of the Metro Police Department or his/her designee

The Metro Public Schools Superintendent or his /her designee

The Director of the Metro Planning Department, or his/her designee

These members shall have no vote and shall not be counted in determining a quorum.

Removal of Members

A member of the BPAC may be removed by the body that appointed that member for any of the following reasons:

a. Violation of the attendance, ethics, or conflict of interest provisions

b. Moving out of Nashville and Davidson County.

c. Non-payment of taxes.

d. Any reason deemed sufficient by the body or official that appointed the member.

Officers

The Mayor shall appoint a Chair and the BPAC may elect a Vice-Chair and Secretary or fill other offices as it may find necessary. No member may serve as Chair for more than two (2) consecutive one (1) year terms. Officers shall serve one (1) year terms commencing on February 1 following their election.

Chair

The BPAC Chair shall preside at all meetings and shall sign all documents relative to action taken by the BPAC. The Chair shall work with the Mayor's Office liaison to set agenda's and establish work plans for the committee.

Vice-Chair

In the absence of the Chair, the Vice-Chair shall exercise the powers and perform the duties of the Chair. The Vice-Chair shall succeed the Chair in the event of vacancy in that office based on approval from the governing body.

Secretary

The Secretary shall be responsible for recording minutes of all meetings of the BPAC. The Secretary may act as recorder or gain consent of another member to so act. The Secretary shall keep the By-laws and other BPAC records in order. The Secretary may also represent the Chair/Vice-Chair in their absence.

Vacancy

If the appointment of the Vice Chair or Secretary should be terminated, a replacement shall be elected from the membership at the next regularly scheduled meeting following the announcement of termination.

Meetings

Regular Meetings

The BPAC shall meet at least four (4) times per year and shall establish a regularly scheduled meeting time.

Minutes

The BPAC shall keep permanent minutes of its meetings. The minutes shall include the attendance of its members and its resolutions, findings, recommendations, and other actions

Quorum and Voting

A quorum shall consist of a majority of the voting members of the BPAC. All actions shall be decided by a majority vote of the voting members in attendance, a quorum being present. If a quorum is present and the early departure of a member results in the lack of a quorum, the member should notify the Chair of the need to depart early before the meeting starts.

Attendance

It is expected that members appointed to the BPAC will regularly attend its meetings. The BPAC shall establish within its by-laws what constitutes an excused absence. A member may forfeit the remainder of his/her term and may be replaced if he/she has three (3) unexcused absences from regular BPAC meetings within a one-year time period. When the BPAC finds that a member has become disqualified for membership, the Chair shall notify the appointing authority so that a new member may be appointed for the remainder of the unexpired term.

Excused and Unexcused Absences

A member who will be unable to attend a regular meeting of the BPAC must contact the Chair or the or Vice-Chair staff at least twenty-four (24) hours before the scheduled meeting and indicate the general reason for being absent. Earlier notification is encouraged. Members who give less than 24 hours notice will be considered unexcused, with the exception of emergencies or sudden illnesses. (Twenty-four hour notification is important to allow the staff/Chair of the BPAC to know whether a quorum will be present in sufficient time to cancel the meeting if necessary.) When a member has had a total of three absences within a one year time period, (including excused or unexcused), the Secretary shall notify the BPAC of that fact, and the BPAC may review the attendance record of the member, and take appropriate action. Appropriate action may include notifying the body that appointed the member of his or her attendance record.

Conduct of Business

All members of the BPAC are subject to Metro Nashville Ethics Policy.

Conflicts of Interest

BPAC members hold their positions for the benefit of Metro and the public. Conflicts of interest can arise in situations in which a BPAC's Member's duty to act in the public interest conflicts with a potential desire to advance his or her own interest. Several types of conflict of interest can affect impartiality. They include financial conflicts, conflicts by associations with those affected by a decision, and personal bias. As a general rule, BPAC members shall

refrain from taking part in actions that might reasonably call into question the impartiality and fairness of those decisions. The intent is to limit advocacy, pressure, or undue influence where a conflict exists, not to prevent persons from providing useful information.

In order to avoid potential conflicts of interest, BPAC members shall declare at the beginning of a discussion, any potential conflict of interest as defined below.

A. Financial Conflicts

No BPAC member shall take part in any vote, other than to provide information, concerning a property in which the BPAC member or a close relative (spouse, sibling, child or parent):

1. Is the applicant before the BPAC;
2. Owns property within 600 feet of the subject property; or
3. Has a financial interest in the subject property or improvements to be undertaken thereon.

B. Conflicts by Association

Whether reviewing, commenting or awarding funding, public perception of fairness of the BPAC's decisions is important. Citizen confidence in these decisions may be affected not only in situations of actual conflict, but also in situations that have the appearance of impropriety. Therefore, no BPAC member shall take part in any votes, other than to provide information, concerning issues in which a personal or business associate or employer of the BPAC member:

1. Is the applicant before the BPAC;
2. Owns property within 600 feet of the subject property; or
3. Has a financial interest in the subject property or improvements to be undertaken thereon.

In situations that involve a non-profit or private organization for which a BPAC member is an officer or board member, he or she shall be required to publicly disclose that association and shall not take part in any vote concerning the stated situation.

Sub-committees

The BPAC may establish such committees as it deems necessary for the conduct of the business of the BPAC. These committees may include additional citizens as associate members. The Chair of a committee shall be a member of the BPAC.

Nominating Committee

The Chair may appoint a sub-committee on an as-needed basis to review and make recommendations regarding BPAC appointments.

The BPAC may create such Standing or *ad hoc* committees as it may deem necessary to promote the objectives and carry on the work of the BPAC. BPAC members are encouraged to serve on at least one Sub-committee so that he/she becomes more knowledgeable about the work of the BPAC. There is no cap on the number of members on each Sub-committee.

BPAC members can attend any Sub-committee meeting in which they have an interest whether or not the member is actually on the Sub-committee. Each sub-committee shall have at least one member from the BPAC and may include additional citizens as Associate Committee Members. The Chair of a Committee shall be a BPAC member. Sub-committee Chairs shall be appointed by the Chair of the BPAC at opportune BPAC meetings.

Public Participation in BPAC Meetings

Persons attending a BPAC meeting have the opportunity to address the Committee during a scheduled public hearing and at regularly scheduled business meetings and when otherwise invited by the Chairman. A time limit of three minutes will be allowed for presentation unless extended by the Chairman. If the speaker is reading from a prepared text, a copy should be provided for the recording secretary. The following guidelines should be observed when a speaker is addressing the Board or Committee:

1. When called upon, the speaker should come promptly to the podium (if available), speak clearly into the microphone (if available), and state name and address.
2. The speaker should identify the organization being represented, if any.
3. The speaker must limit remarks to three minutes.
4. The speaker may direct questions to the Chairman only.
5. Members of the audience must refrain from audible comments and/or applause during the meeting. Under no circumstance may any audience member interrupt a speaker or otherwise attempt to intimidate or discourage a speaker from addressing the Committee through audible comments or noise making.
6. No speaker may indulge in personal attacks on any Committee or staff member. The Chairman will revoke the speaker's privilege to address the Committee if this rule is violated.
7. Once a public hearing has been closed, no further audience participation is allowed or tolerated. Violating this rule may result in removing the violator from the meeting room.

Amendment of Rules of Procedures and Bylaws

These Rules of Procedures and Bylaws can be amended at any regular BPAC meeting by a majority of voting members, provided that the amendment has been submitted in writing to the BPAC members with the notification of the meeting.